

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

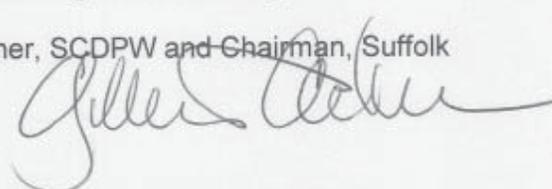
THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Hon. William J. Lindsay, Presiding Officer of the SC Legislature
Legislators: Beedenbender, Romaine, Schneiderman, Browning, Vitoria-
Fisher, Losquadro, Eddington, Montano, Alden, Barraga, Kennedy,
Nowick, Horsley, Gregory, Stern, D'Amaro, and Cooper
Jeffrey Szabo, Deputy County Executive / Chief of Staff
Vito Minei, P.E., Director, Environmental Quality, S.C. Health Services
Thomas Isles, Director, Suffolk County Planning Department
Legislator Louis D'Amaro, SCSA Legislator-at-Large
Michael Cavanagh, representing Presiding Officer Lindsay

FROM: Gilbert Anderson, P.E., Commissioner, SCDPW and Chairman, Suffolk
County Sewer Agency 

DATE: November 21, 2008

SUBJECT: **Minutes of the Sewer Agency Meeting of November 17, 2008**

Attached for your information please find a copy of the minutes for the above referenced meeting.

GA/BW/cp
Attachments

cc: Thomas LaGuardia, P.E., Chief Deputy Commissioner
Louis Calderone, Deputy Commissioner
Ben Wright, P.E., Chief Engineer, Division of Sanitation
John Donovan, P.E., Sr. Civil Engineer
Laura Conway, C.P.A., Director of DPW Administrative Services
Linda Spahr, Esq., Dept. of Law
Walter Hilbert, P.E., S.C. Dept. of Health
Walter Dawydiak, P.E., S.C. Dept. of Health
Tim Laube, Clerk of the Legislature
James Morgo, Chief Deputy County Executive
William Spitz, NYSDEC
Adam Santiago, representing Legislator Brian Beedenbender
Justin Littell, representing Legislator Louis D'Amaro
Karen Klafter, representing Legislator Louis D'Amaro
Craig A Platt, Secretary, SC Sewer Agency

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Minutes of the Suffolk County Sewer Agency
November 17, 2008

The meeting was called to order at 11:01 am by Gilbert Anderson, P.E., Commissioner, SCDPW & Chairman, Suffolk County Sewer Agency. In attendance were Adam Santiago, representing Legislator Brian Beedenbender, Chairman of the Public Works and Transportation Committee, Karen Klatter, representing Lou D'Amato the Sewer Agency Legislator-At-Large, Tom Isles, the Suffolk County Director of Planning, Vito Minei P.E., representing the Commissioner of the Department of Health Services, and Michael Cavanagh, Legislative Aide to Presiding Officer Lindsay

Also present were Linda Spahr, Esq. of the Department of Law, Lisa Broughton, Suffolk County Office of Economic Development, and Craig Platt, Secretary to the Sewer Agency.

Note: Project representatives are shown on the copy of the sign-in sheet attached at the end.

Welcome by Commissioner Anderson, to the November 17, 2008, meeting of the Suffolk County Sewer Agency, and introductions by Roll Call.

I. **Roll Call:** Jeff Szabo was unable to attend; all other members or representatives were present.

II. **Minutes of Previous Meeting**

Minutes from SCSA for the October 20, 2008, were discussed. A motion to accept the minutes was made by Commissioner Anderson and seconded by Adam Santiago. Motion passed unanimously.

III. **Public Portion:** *There were no requests to make statements.*

See the attached sign-in sheet for additional attendees

IV. **Formal Approval**

1. Wingate Inn – Commack Hospitality *
Request for additional gallonage
2. SCSD #7 – Twelve Pines STP Expansion
Request to allocate gallonage

B. **Conceptual Certification**

1. Springhill Suites @ Bellport (BR-1608)
Request to connect to SCSD #7 – Twelve Pines

**- Note: Prior to the beginning of the Agency meeting, Commissioner Anderson notified the Agency members that the application for the Wingate Inn – Commack Hospitality project had been withdrawn.*

New Business – Formal Approval

SCSD # 7 Expansion

Twelve Pines

Ben Wright mentioned that the Construction Agreement for the expansion of the STP was from August 7, 1989, and that Stage 1 and Stage 2 were complete and that the plans for Stage 3 were currently under review. The Construction Agreement was to expand the STP from 475,000 GPD to 1,000,000 GPD. The NYS DEC has permitted the expansion to 1,000,000 GPD. Ben further mentioned that the Stage 3 expansion was supposed to be for 150,000 GPD, currently the approved capacity of the STP is 830,000, to expand the plant to 1,000,000 GPD might require an amended Construction Agreement. Ben mentioned that the partners (JARP Industrial Corp. & Robert I Toussie Ent. Corp.) were requesting that the allocations be made since a third party agreement was pending. Furthermore, the Construction Agreement from 1989 was not clear on the sale of capacity.

Mr. Herb Balin, of Certilman, Balin identified himself as the representative for the project and introduced Mr. John Berchtold, P.E., of Henderson & Bodwell. Mr. Balin stated the review of the plans for the Stage 3 expansion of the plant were nearly complete. Mr. Balin further stated that the developers did not own any additional property requiring sewers in the district but were going to sell the capacity generated from the expansion at market rates; to do this was critical to the developers. Mr. Balin further stated that in the Agency resolution prepared for this meeting the 5th Whereas clause was the statement;

"WHEREAS, M7A requests this Agency to approve that M7A has the right to sell and assign capacity to other owners at market rates, subject to the Agency's review and approval, and"

Mr. Balin wanted to rephrase to Whereas clause to say;

"WHEREAS, M7A requests this Agency to approve that M7A has the right to sell and assign capacity to other owners at market rates, and" removing the words *upon review and approval of the Agency,*

Additionally, the 1st RESOLVED clause stated;

*"1st RESOLVED, that M7A is hereby granted, upon the completion and approval of the Stage 3 expansion, the authority to sell and assign 150,000 (*170,000) gallons per day (GPD) of sewer capacity at market rates upon review and approval of the Agency, and"*

Mr. Balin wanted to rephrase to 1st RESOLVED clause to say;

*"1st RESOLVED, that M7A is hereby granted, upon the completion and approval of the Stage 3 expansion, the authority to sell and assign 150,000 (*170,000) gallons per day (GPD) of sewer capacity at market rates, and"* removing the words *upon review and approval of the Agency,*

Linda Spahr mentioned that under the Construction Agreement of August 7, 1989, Schedule F, Special Provisions, that the sale of the capacity should only cover the construction costs. Mr. Balin mentioned that the developers were prepared to invest the funds to upgrade the plant, maybe making a profit maybe not. Commissioner Anderson mentioned that this waives from the original plan. Linda stated that the Construction Agreement would probably have to be amended, to which Mr. Balin agreed that Linda should look into it. Michael Cavanaugh asked if the Construction Agreement would change in any way; to which Linda stated that the agreement would have to meet current county requirements, i.e. prevailing wage, and other new provisions. Mr. Balin stated that with Stage 1 of the plant expansion, the capacity was given to Regency Oaks free of charge, and in Stage 2, the developers received the connection fee. Commissioner Anderson stated that there were legal issues that needed to be addressed. Kathleen Deegan Dickson identified herself as an attorney representing the

next item on the agenda. Ms. Dickson stated that she represented Briad which was developing a 120 unit hotel, Springhill Suites @ Bellport Hotel, and that her client was dependent on the STP plant expansion by M7A. At this point Commissioner Anderson made a motion to table the item pending review by the County Attorney's office and the motion was seconded by Vito Minei. Mr. Balin mentioned that the resolution would have to be amended. Linda asked Mr. Balin if the developers were willing to expand the STP without a profit, to which Mr. Balin replied, no. Discussion continued as to the length of time it would take to amend the agreement. Mr. Berchtold mentioned that he had the final plans for DPW review and considering the time of the year, concrete would probably not be poured until the spring. Mr. Balin mentioned that the developers take a risk when expanding the STP; they can either make money or lose money. Commissioner Anderson stated that the issue would probably not be resolved quickly. At this point a vote was taken to table and passed unanimously.

Conceptual Certification

SPRINGHILL SUITES @ BELLPORT

(BR-1608)

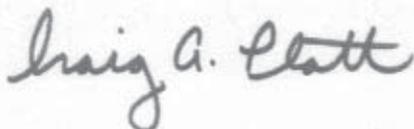
Ben mentioned that this project is a proposed 128 room hotel situated on 4.6 acres located on the west side of Horseblock Road, south of Sills Road in Bellport. The developer is requesting Conceptual Certification for 19,200 GPD. A third party agreement with M7A is necessary for the capacity to be available. This project is dependent on the Stage 3 of the expansion of SCSD #7 – Twelve Pines, when and if the Stage 3 expansion of the STP is completed.

Staff recommended approval.

Ben asked Mr. Balin if any capacity was available in the district, to which Mr. Balin replied, no. Ms. Dickson stated that she had no additional information. Tom Isles asked if the twenty thousand gallon difference between 150,000 GPD and 170,000 was available to which Ben replied, no. Commissioner Anderson asked if additional capacity was available in the STP, to which Ben replied that M7A owned any additional capacity, and that he would confirm actual flow and loading to Twelve Pines. If capacity is available, the applicant may be able to purchase the capacity directly from the county. Vito Minei mentioned that the project fell under the definition of Conceptual Certification and made a motion to approve Conceptual Certification, the motion was seconded by Michael Cavanaugh and passed unanimously.

At 11:42 a motion to adjourn was made by Commissioner Anderson and seconded by Adam Santiago, motion was approved unanimously.

Respectfully submitted,



Craig A Platt